

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MICHAEL MURDOCH

)
)
)
)
)

Magistrate's No. ~~05-56M~~

CR 05-57

15

GOVERNMENT'S NOTICE OF APPEAL FROM
ORDER OF RELEASE AND EMERGENCY REQUEST FOR STAY

AND NOW, comes the United States of America by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Tina O. Miller, Assistant United States Attorney, and respectfully appeals from the Order of Release entered by United States Magistrate Judge Lisa Pupo Lenihan on February 18, 2005.

1. Defendant is charged by Complaint with coercion and enticement of a minor, in violation of 18 U.S.C. §2422(b). A copy of the Complaint is attached hereto as Exhibit A.

2. Defendant was arrested on February 11, 2005. The government requested that he be detained, and relied on a presumption in favor of detention under 18 U.S.C. §3142(e). A detention hearing was held before the Honorable Lisa Pupo Lenihan on February 15, 2005 and February 18, 2005. Magistrate Judge Lenihan denied the government's motion for detention and ordered the Defendant be released.

3. The government hereby appeals that decision pursuant to 18 U.S.C. §3145.

4. Magistrate Judge Lenihan stayed the release of Defendant until 4:00 p.m. today, February 18, 2005, to allow the government to file the instant appeal, and to allow the government the opportunity to seek an extension of the stay from the District Court.

5. The Defendant has admitted to meeting a 14 year old boy online and engaging in sexual activity with that boy on at least 2 occasions. The Defendant has also admitted to having met two other minor boys while vacationing in Florida and engaging in an "orgy" with them and two other adults. Information gained during the course of the investigation from other sources indicates that Murdoch engaged in sex with a 12 year old boy.

6. The crime of coercion and enticement carries a mandatory 5 year prison sentence if Defendant is convicted.

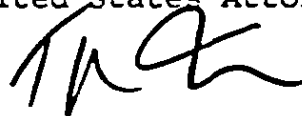
7. In light of these facts, and the presumption in favor of detention, the government requests that this Court stay the execution of the release order until this appeal is decided.

8. A transcript of the first detention hearing has been prepared. The government will submit a brief in support of the appeal under separate cover.

WHEREFORE, the government requests that the Court enter the
attached Order.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

A handwritten signature in black ink, appearing to read 'Tina O. Miller', is written over the typed name.

TINA O. MILLER
Assistant U.S. Attorney
PA ID # 71101

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Magistrate's No. 05-56M
)
MICHAEL MURDOCH)

ORDER

AND NOW, this _____ day of February, 2005, upon
consideration of the Government's Notice of Appeal and Emergency
Request for Stay,

IT IS HEREBY ORDERED that the government's Emergency Request
for Stay is GRANTED. The Release Order entered in the above-
captioned case on February 18, 2005, is HEREBY STAYED until further
Order of Court.

UNITED STATES DISTRICT JUDGE

cc: Tina O. Miller, AUSA
John Knorr, Esq.
Pretrial Services
United States Marshals

United States District Court

WESTERN

DISTRICT OF

PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

MICHAEL MURDOCH

CASE NUMBER: 00-058 M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. In or around June, 2004 until in and around September, 2004 in Allegheny county, in the Western District of Pennsylvania defendant(s) did, (Track Statutory Language of

Offense)
using a facility or means of interstate or foreign commerce, namely a computer, knowingly persuade, induce, entice, or coerce an individual who had not attained the age of 18 years, to engage in prostitution or any sexual activity for which a person can be charged with a criminal offense, or attempted to do so, in violation of 18 U.S.C. 2422(b)

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

I, Edward Moschella, being duly sworn, depose and state as follows:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Edward Moschella
Signature of Complainant

Sworn to before me and subscribed in my presence,

February 7, 2005

Date

at Pittsburgh, Pennsylvania

City and State

AMY REYNOLDS HAY, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

United States District Court

WESTERN

DISTRICT OF

PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

MICHAEL MURDOCH

CASE NUMBER: 03-155 M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. In or around June, 2004 until in and around September, 2004 in Allegheny

county, in the Western District of Pennsylvania defendant(s) did, (Track Statutory Language of

Offense)

using a facility or means of interstate or foreign commerce, namely a computer, knowingly persuade, induce, entice, or coerce an individual who had not attained the age of 18 years, to engage in prostitution or any sexual activity for which a person can be charged with a criminal offense, or attempted to do so, in violation of 18 U.S.C. 2422(b)

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

I, Edward Moschella, being duly sworn, depose and state as follows:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Edward Moschella
Signature of Complainant

Sworn to before me and subscribed in my presence,

February 7, 2005

Date

at Pittsburgh, Pennsylvania

City and State

AMY REYNOLDS HAY, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

4. At the beginning of October 2004, a local law enforcement agency was contacted by the family of the child victim in this case regarding information they received about the child victim, a 14 year old male (hereinafter "child victim"), who was

having contact via phone and computer with adults. The child victim and his family are from Beaver County, Western Pennsylvania. The family believed that the child victim may have been having sexual relations with the adults he was corresponding with on the phone and the computer.

5. Shortly thereafter, law enforcement officers interviewed the child victim. The child victim informed the law enforcement officers that he has been in contact with numerous adult men and juvenile boys online via email and chat rooms. The child victim also indicated that he met some of those men and juvenile boys in person.

6. One of the men the child victim said he met was identified by the child victim as "Mike." The child victim indicated that Mike is from Moon Township and is approximately 25 years old. The child victim indicated he met Mike in an online chat room in June and met him in person the same day. The child victim indicated that Mike picked him up at the child victim's home. During their first meeting, Mike kept rubbing his leg trying to touch his penis area, but the child victim pushed his hands away. On September 10, 2004, Mike came to the child victim's home and drove him to Mike's home in Moon Township. Mike gave the child victim a massage and performed oral and anal sex on him. After the sexual intercourse, the child victim cleaned himself up and Mike drove him home. The child victim provided Mike's phone number as

724 513 1684.

7. The child victim, when shown a photographic lineup that contained six photographs, identified Michael Murdoch as the individual he identified as "Mike" and with whom he had sexual relationship. The child victim identified "mikey21boi" as the screen name for Mike.

8. The child victim's computer was recovered and a preliminary forensic examination was undertaken. A sexually explicit chat between the child victim and mikey21boi was recovered. It is attached hereto as Exhibit 1 and incorporated herein by reference as though fully set forth herein. The chat is dated July 22, 2004.

9. During the chat, mikey21boi and the child victim have a sexually explicit conversation and mikey21boi asks the child victim to take a sexually explicit picture of himself and send it to him. At the end of the chat, they arrange to meet.

10. Information from America On Line indicates that an alternative email address for mikey21boi is vsucutieboi@hotmail.com. We have information from a confidential source indicating that Murdoch attended Youngstown State University.

11. We have confirmed that the phone number 724 513 1684 is registered to Michael Murdoch.

12. The phone number 724 513 1684 was found programmed

into the cell phone the child victim was using. Toll records confirm contact between the child victim's cell phone and Murdoch's cell phone.

13. Murdoch's address, according to Crescent Township Police Department, is 264 Spring Run Manor, Apartment #4, Crescent Township, Pennsylvania. The child victim took police officers to this address, indicating this is where Murdoch took him to have sex.

14. Murdoch's date of birth is December 16, 1981.

15. The Pennsylvania Crime Code, 18 PACS §§ 3123, involuntary deviate sexual intercourse and § 6301, corruption of the morals of a minor, and § 6318, unlawful contact with a minor, each prohibit the above-mentioned sexual contact between an adult and a minor.

16. I am aware that 18 U.S.C. §2422 provides:

§ 2422. Coercion and enticement


(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual

activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

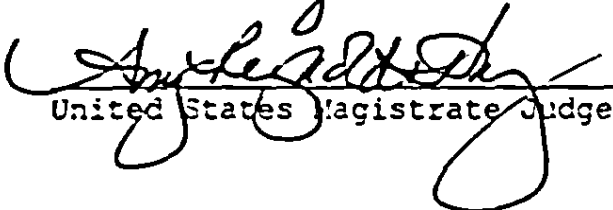
17. Based on this information, your affiant submits there is probable cause to believe that Michael Murdoch violated Title 18, United States Code, Sections 2422, by using the mail or any facility or means of interstate or foreign commerce, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempted to do so.

18. In consideration of the foregoing, Your Affiant respectfully requests that this Court issue an order authorizing the arrest of Michael Murdoch on charges of coercion and enticement in violation of Title 18, United States Code, Section 2422(b).


Special Agent Edward Moschella
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN TO
BEFORE ME THIS 7th DAY OF

February, 2005


United States Magistrate Judge

Mikey21Boi: hey

[REDACTED]: hi

Mikey21Boi: whats up

[REDACTED]: nothing

[REDACTED]: who is this

[REDACTED]: is this my mikey?

Mikey21Boi: i was just lookin at xy i saw your profile.. im from center

[REDACTED]: o

[REDACTED]: i thought u were my mikey

[REDACTED]: so

Mikey21Boi: no lol im someone elses

Mikey21Boi: lol

[REDACTED]: lol

[REDACTED]: didnt think u were him

[REDACTED]: he's kinda mad

Mikey21Boi: but your close .. i dont have any gay friends around here

[REDACTED]: well..now ya do

[REDACTED]: lol

[REDACTED]:

Mikey21Boi: yeah im mike

Mikey21Boi: whats your last name

[REDACTED]:

Mikey21Boi: hrrm never heard of ya

Mikey21Boi: lol

[REDACTED]: lol

Mikey21Boi: i went to st johns

[REDACTED]: cool

[REDACTED]: im homeschooled

Mikey21Boi: thats sweet

[REDACTED]: yeah

[REDACTED]: how old ar eu

Mikey21Boi: im 21

[REDACTED]: are u*

[REDACTED]: cool

[REDACTED]: Im 15..really young..but..hey..never too young to be friends

Mikey21Boi: yeah

Mikey21Boi: really i

Mikey21Boi: shit i thought it said 18 im sorry

Mikey21Boi: lol

Mikey21Boi: but yeah its cool

[REDACTED]: lol

[REDACTED]: it prolly did

[REDACTED]: so

[REDACTED]: u bi

[REDACTED]: gay

[REDACTED]: str8

[REDACTED]: lol



Mikey21Boi: im a fag yes

Mikey21Boi: lol

[REDACTED]: cool

Mikey21Boi: not.. im a gay man who likes guys

[REDACTED]: yeah

[REDACTED]: dino

[REDACTED]: lol

[REDACTED]: well

[REDACTED]: gay boi

[REDACTED]: lol

Mikey21Boi: thats cool

Mikey21Boi: so are you out

[REDACTED]: nope

Mikey21Boi: thats cool

Mikey21Boi: i live alone now so its easy

[REDACTED]: yeah

[REDACTED]: lol

Mikey21Boi: do you have a closer picture i wanna see if i recognize you

[REDACTED]: umm

[REDACTED]: sure

Mikey21Boi: :-D

Mikey21Boi: ill send you mine

Mikey21Boi wants to directly connect.


Mikey21Boi is now directly connected.

[REDACTED]: 

Mikey21Boi: coo

[REDACTED]: now..u

[REDACTED]: lol

Mikey21Boi: 

[REDACTED]: hmmm

[REDACTED]: u look familiar

Mikey21Boi: lol proly

[REDACTED]: lo

[REDACTED]: lol*

Mikey21Boi: did you ever go to the youth center dances in [REDACTED]

[REDACTED]: sometimes

[REDACTED]: i hate dancing

[REDACTED]: lol

Mikey21Boi: i used to help out there

[REDACTED]: thats prolly how u lok fam. then

Mikey21Boi: yeah

Mikey21Boi: so whos mikey

[REDACTED]: someone

[REDACTED]: special

Mikey21Boi: aww

[REDACTED]: but..he hasnt been on for over a few weeks

[REDACTED]: i think he blocked me

[REDACTED]: or sometihng

Mikey21Boi: well then how special is he

[REDACTED]: lol

[REDACTED]: right now..i'm kinda mad at him

[REDACTED]: but still

[REDACTED]: lol

[REDACTED]: gotta love webcams

[REDACTED]: lol

Mikey21Boi: i dont have one

[REDACTED]: theres only one person watching me

Mikey21Boi: you got any bad pics

Mikey21Boi: lol

Mikey21Boi: :-P

[REDACTED]: bad as in..naughty?

Mikey21Boi: yah

[REDACTED]: got yahoo im>

Mikey21Boi: no

[REDACTED]: o

[REDACTED]: ok

[REDACTED]: b/c i'm jackin on cam right now

[REDACTED]: lol

Mikey21Boi: :(

Mikey21Boi: take a pic of it

[REDACTED]: no

[REDACTED]: lol

[REDACTED]: :-P

Mikey21Boi: damn it

[REDACTED]: hehehe

[REDACTED]: get yahoo

[REDACTED]: lol

Mikey21Boi: im horny but i dont hook up.. sorta a win lose situation

[REDACTED]: they have tens of gay chats too

[REDACTED]: i dont hook up either

Mikey21Boi: wait

Mikey21Boi: here message this

Mikey21Boi: mikekap03

Mikey21Boi: its my friends lil bros

[REDACTED]: aim?

Mikey21Boi: no yeahoo

[REDACTED]: k

[REDACTED]: how ytcung>

Mikey21Boi: 17 but str8888888

[REDACTED]: damn

[REDACTED]: now u tell me

[REDACTED]: lol

[REDACTED]: i almost showed him my cam

[REDACTED]: what would he do if i did?

Mikey21Boi: no hes not here

[REDACTED]: o

[REDACTED]: its u>

Mikey21Boi: jst me

[REDACTED]: ok

Mikey21Boi: take your hand away

Mikey21Boi: your pretty big

[REDACTED]: thanks

[REDACTED]: im not fully hard yet either

Mikey21Boi: damnit your makin me horny

[REDACTED]: :-)

Mikey21Boi: ok so maybe we should date

Mikey21Boi: lol

Mikey21Boi: im playin

[REDACTED]: lol

[REDACTED]: i thought u were taken already

Mikey21Boi: no

[REDACTED]: o

[REDACTED]: ok

Mikey21Boi: i was being sarcastic

[REDACTED]: o

[REDACTED]: lol

Mikey21Boi: you think i would be on xy if i was dating someone

[REDACTED]: well...so far...as of now...i'm single

[REDACTED]: lol

[REDACTED]: no

[REDACTED]: but some ppl are

Mikey21Boi: how big is it

[REDACTED]: 6

Mikey21Boi: k

Mikey21Boi: maybe we will chill sometime

Mikey21Boi: you aloud out and shit

[REDACTED]: okedokie

[REDACTED]: yeah

[REDACTED]: depends when tho

[REDACTED]: lol

Mikey21Boi: right now

Mikey21Boi: lol

[REDACTED]: cum get me

Mikey21Boi: you want me too

[REDACTED]: hehehe

[REDACTED]: yes

Mikey21Boi: where you live in [REDACTED]

[REDACTED]: [REDACTED]

[REDACTED]: by the [REDACTED]

Mikey21Boi: really

[REDACTED]: yeah

Mikey21Boi: could you meet me like by the highschool

[REDACTED]: yeah

Mikey21Boi: my cell is shut off

[REDACTED]: damn it i'm erally close to cumming

Mikey21Boi: put your dick away

Mikey21Boi: well save it for a rainy day

[REDACTED]: lol

[REDACTED]: today...its raining;-)

Mikey21Boi: i wanna see it put away

[REDACTED]: what u mean?

Mikey21Boi: put it away

Mikey21Boi: then ill come

Mikey21Boi: lol

[REDACTED]: hehe i cant take my hand off of it

Mikey21Boi: just do it

Mikey21Boi: smikle fpor me

[REDACTED]: no

Mikey21Boi: smile

[REDACTED]: i dont smile

[REDACTED]: well

[REDACTED]: i do..but..

Mikey21Boi: ?

[REDACTED]: tell a joke or something

Mikey21Boi: hrrm

Mikey21Boi: your feet must be tired they been runnin through my head all night

Mikey21Boi: :-P

Mikey21Boi: i dunno

[REDACTED]: that was lame

Mikey21Boi: well what the hell

Mikey21Boi: im not good wit jokes

[REDACTED]: ok

[REDACTED]: lol

[REDACTED]: ill just smile

Mikey21Boi: lol see

[REDACTED]: ill give a sorta sexy stare

Mikey21Boi: ok so what time am i meeting you

Mikey21Boi: aww

[REDACTED] lol

[REDACTED] ummm

Mikey21Boi: you got blue eyes

[REDACTED] no

[REDACTED] hazel

[REDACTED] more green tho

Mikey21Boi: they look blue .. anyhow

[REDACTED] : lol

[REDACTED] . ome on

[REDACTED] . can i finish what i started

Mikey21Boi: nooooooooooooooooooooo

[REDACTED] : why

Mikey21Boi: cause ill smell cum on you

[REDACTED] : so

[REDACTED] : lol

[REDACTED] : ill shower

Mikey21Boi: not with out me mister

Mikey21Boi: lol

[REDACTED] : LOl

Mikey21Boi: soo you want me to come get ya we will chill for a while

[REDACTED] : chill where and for how long

[REDACTED] : lol

[REDACTED] : and...what consists of chilling

Mikey21Boi: you tell me yo

Mikey21Boi: just hangin out talking maybe go to the mall

[REDACTED] : cool

Mikey21Boi: how long do you have

[REDACTED] : ummm

[REDACTED] : about 2hrs

Mikey21Boi: ok cool so its 225 ill meet you by the [REDACTED] sign like at 3

[REDACTED] , which [REDACTED] sign

[REDACTED] : lol

Mikey21Boi: the one at the top of that hill

Mikey21Boi: where that bell is

[REDACTED] . ok

[REDACTED] . o

[REDACTED] : ok

[REDACTED] : what color car and siht

Mikey21Boi: its a red jeep

[REDACTED] : k

Mikey21Boi: ok

[REDACTED] : so...see ya then i guess

Mikey21Boi signed off at 2:28:20 PM.

Mikey21Boi signed on at 2:29:42 PM.

Mikey21Boi returned at 2:30:20 PM.

Mikey21Boi: ok im gonna se you at 3 ok

[REDACTED] : k

You are no longer directly connected to Mikey21Boi because the connection has been interrupted..

Mikey21Boi: :-P yay this will be fun makin a new friend

[REDACTED]: lol

[REDACTED]: yeah

Mikey21Boi: youll be there right

[REDACTED]: lol

[REDACTED]: yes

[REDACTED]: 3

[REDACTED]: I'd only be allowed out til about 4

Mikey21Boi: sawweet...quit jackin off

Mikey21Boi: thats cool

[REDACTED]: huh>

Mikey21Boi: you just want me to come now

[REDACTED]: what?

Mikey21Boi: like leave now

[REDACTED]: no

[REDACTED]: i cant'

[REDACTED]: I've gotta shower up

[REDACTED]: and get dressed

[REDACTED]: and

[REDACTED]: get all preny

[REDACTED]: lol

Mikey21Boi: lol aight go ahead ill see ya then

[REDACTED]: k

[REDACTED]: bye

Mikey21Boi: hey i look like a bum today dont woorry

[REDACTED]: lol

[REDACTED]: ok

Mikey21Boi signed off at 2:39:36 PM.

Mikey21Boi signed on at 2:41:50 PM.

[REDACTED]: hey

Auto response from Mikey21Boi: hey guys. sorry i had to move outta my house no aim . if you need me 724-513-1684.. call me.. i cant respond to these messages. so i guess ill just talk to you later bye

Free Two-Way Instant Message delivery service to any mobile device or email account provided by www.imforwards.com

[REDACTED] make it 315

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within pleading was served this day to and upon the following:

Pretrial Services
U.S. Probation Office
(clerk's office mailbox)

John Knorr, Esq.
412 261-1958 fax

Honorable Lisa Pupo Lenihan
via hand delivery



TINA O. MILLER
Assistant U.S. Attorney
PA ID No. 71101

Dated: February 18, 2005